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**AUG 17 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Jeffrey L. Lacy	:	
Application No. 10/712,692	:	DECISION GRANTING PETITION
Filed: November 13, 2003	:	
Attorney Docket No.	:	
H054024.0012US0	:	

This is a decision on the petition filed May 28, 2004, requesting that the above-identified application be accorded a filing date of November 13, 2003.

On November 13, 2003, applicant deposited the above-identified application. On June 15, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items.

In response, on May 28, 2004, applicant filed the present petition, the petition fee, and a copy of applicant's postcard receipt acknowledging receipt of 11 sheets of drawings. Additionally, applicant submitted a copy of 11 sheets of drawings.

Upon review of the record, 11 sheets of drawing, deposited on November 13, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 13, 2003, included 11 sheets of drawing, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 11 sheets of drawings, was complete on filing and will be granted a filing date of November 13, 2003.

Accordingly, the petition is granted.

The requirement to submit drawings set forth in the Notice of June 15, 2004, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 16-2435.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of November 13, 2003, using the 11 sheets of drawings submitted on petition, and to mail a corrected filing receipt. The Office records should indicate that 11 sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

*Christina Tartera Donnell*

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